



Report Committee of Adjustment

Filing Date: August 23, 2023
Hearing Date: November 14, 2023

File: A-2023-0269

**Owner/
Applicant:** 1960526 ONTARIO INC.

Address: 116 and 140 Nuggett Court

Ward: WARD 8

Contact: Rajvi Patel, Planner I

Recommendations:

That application A-2023-0269 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the owner finalize site plan approval under City File SPA-2021-0037, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services;
 3. That the applicant provides the required \$1250.00 planning review fee to the Toronto and Region Conservation Authority as per their later dated October 18, 2023;
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application is submitted to facilitate the proposed addition connecting the existing industrial buildings located at 116 Nuggett Court and 140 Nuggett Court. On November 7, 2023, the applicant has provided a legal opinion regarding the merger of the lands which is acceptable by City Legal staff. The application is related to an ongoing Site Plan Approval Application (SPA-2021-0037). The Minor Variance application is requested to permit a reduced number of parking spaces and reduced parking aisle width.

Existing Zoning:

The property is zoned 'Industrial Three (M3A)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit 191 parking spaces whereas the by-law requires 258 parking spaces;
2. To permit a parking aisle width of 6.02 metres, whereas the by-law requires a minimum parking aisle width of 6.6 metres.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Industrial' and identified within the 'Lester B. Pearson International Airport (LBPIA) Operating Area' in the Official Plan and 'General Employment 1' in the Airport Intermodal Area Secondary Plan (Area 4).

The general intent of the 'Industrial' Official Plan designation is to provide for a range of light to heavy industrial uses such as manufacturing, processing, repair and service, warehousing and distribution. The subject lands are further designated as 'General Employment 1' in the Airport Intermodal Area Secondary Plan (Area 4). The 'General Employment 1' designation allows for a broad range of industrial uses including but not limited to warehousing and storage of goods and outdoor storage areas, only as accessory to an industrial use and which shall be screened from public view.

Additionally, the subject lands are identified within the 'Lester B. Pearson International Airport (LBPIA) Operating Area' as per Schedule A of the Official Plan. The general intent of the LBPIA Operating Area does not permit the development of noise sensitive land uses such as day care centers, nursing homes, schools and hospitals.

The subject lands are recognized to be located within a Provincially Significant Employment Zone (PSEZ). PSEZ's are identified by the Province for the purposes of long-term planning for job creation and economic development. As per the Council approved City of Brampton Plan, the subject lands are designated 'Employment Areas' (Schedule 1) and 'Employment' (Schedule 2). The general intent of Employment Areas is to provide for a diverse range of high-quality jobs and services to foster innovation. Lands designated Employment will be protected and reserved for employment uses including manufacturing, warehousing, logistics, office, and associated commercial, retail and ancillary uses.

The applicant is proposing an addition to 116 Nuggett Court and 140 Nuggett Court to connect the two existing industrial buildings. The addition is being contemplated through an ongoing Site Plan application (SPA-2021-0037). The requested variances for a reduction in parking spaces and a reduction in parking aisle width are to facilitate the overall development of the site and will not affect the industrial character or functionality of the site. Staff recommend a condition of approval that the

applicant finalize site plan approval under City File SPA-2021-0037 to ensure the permissions requested as part of this Minor Variance application are in accordance with the approval of the related Site Plan. Subject to the recommended conditions of approval, the requested variances are not considered to have significant impacts within the context of the Official Plan and Secondary Plan policies and are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The subject property is currently zoned 'Industrial Three' (M3A), according to By-law 270-2004, as amended.

Variance 1 is requested to permit 191 parking spaces whereas the by-law requires a minimum of 258 parking spaces. The intent of regulating the minimum parking requirements for service commercial properties is to ensure that the site can accommodate the parking demand generated by the permitted uses on the property. The variance is requested for parking deficiencies at both 116 Nuggett Court and 140 Nuggett Court. 116 Nuggett Court will comprise of 110 parking spaces, whereas the by-law requires 153 parking spaces and 140 Nuggett Court will comprise of 81 parking spaces, whereas the by-law requires 105 parking spaces.

A parking justification brief prepared by Candevcon Limited, dated July 21, 2023, was submitted with the associated site plan application SPA-2021-0037 and as part of the submission package for the minor variance application. City staff reviewed the parking study and found it to be satisfactory. The study provided that the number of employees is not expected to change with the proposed addition. Given the parking occupancy survey, the study found that there was a surplus of 61 parking spaces at 116 Nuggett Court and a surplus of 75 parking spaces at 140 Nuggett Court when using peak parking demand data. Therefore, 191 parking spaces adequately accommodate the parking demands of the proposed development. Furthermore, the proposed reduction represents approximately 26% of the overall parking requirement for the site and is not anticipated to negatively impact the function of the site. Therefore, subject to the recommended conditions of approval, Variance 1 is considered to maintain the intent of the Zoning By-law.

Variance 2 is requested to permit a parking aisle width of 6.02 metres, whereas the by-law requires a minimum parking aisle width of 6.6 metres. The intent of the by-law in regulating the minimum required drive aisle is to ensure that there is sufficient space to maneuver a vehicle.

The applicant is requesting a reduction to the parking aisle width by 0.58m than what the by-law permits. The reduction to the parking aisle width is located along the eastern vehicular/ pedestrian access and egress at 116 Nuggett Court. The reduction is being requested as a result of the existing site conditions and building configuration which creates a pinch point in the parking aisle width. The proposed development is to construct an addition between 116 Nuggett Court and 140 Nuggett Court. Staff are of the opinion that the reduced parking aisle width pose no significant impact to the functionality of the site given the layout of the parking lot as no cars would be parked across and provide for safe vehicle maneuverability in and out of a parking spot. Subject to the recommended conditions of approval, Variance 2 is considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variance 1 is requested to permit the proposed site conditions for 191 parking spaces whereas the by-law requires a minimum of 258 parking spaces for the subject property. Given the additional building footprint that is being proposed, an additional number of parking spaces are required. Through the review of the site plan application and aforementioned parking study, staff are of the opinion that the vehicle parking for the users of the site (employees) can be sufficiently accommodated with the 191 parking spaces shown on the provided site plan. A condition of approval is recommended that the owner finalize site plan approval under City File SPA-2021-0037, execute a site plan agreement, and post any required financial securities and insurance to the satisfaction of the Director of Development Services. Subject to the recommended conditions of approval, Variance 1 is appropriate for the development of the land.

Variance 2 is requested to permit a reduced parking aisle width as a result of the existing site conditions and building configuration that encroaches within the parking aisle width in the eastern frontage of 116 Nuggett. Sufficient space is provided for vehicles to safely maneuver through the parking lot. Staff are therefore satisfied that the proposed reduced parking aisle width will not adversely impact the overall function of the site or adjacent properties. Subject to the recommended conditions of approval, Variance 2 is considered desirable for the appropriate development of the land.

4. Minor in Nature

While the proposed parking reduction is greater than 10% of the overall parking requirement for the property, the proposed variance is not anticipated to negatively impact the daily function and operation of the subject property or adjacent properties. Through the review of the Parking Justification Brief submitted by Candevcon Limited, City Traffic Staff find that sufficient parking will be provided for both staff and visitors for the industrial development. Furthermore, the reduced parking aisle width is considered to provide safe maneuvering of vehicles in and out of a parking spot. Subject to the recommended conditions of approval, Variances 1 and 2 are considered to be minor in nature.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I

Appendix A – Existing Site Conditions

